OAR 255-085-0010
Definitions
The following definitions apply to OAR 255-085-0001 to 255-085-0050:
(1) "Adult male registrant" means a male who was convicted of a sex crime and required to register as a sex offender or who was found guilty except for insanity of a sex crime and required to register as a sex offender, and was at least 18 years of age when he committed the offense.

(2) "Category B registrant" means a person of either gender or any age at the time of crime commission who is required to register as a sex offender based only on a conviction for a Category B sex crime.

(3) "Category B sex crime" means any type of criminal offense within the scope of "Category B offenses" used to administer the Static-99R and listed in Exhibit Q-II and which is also a sex crime for which reporting is required.

(4) "Existing registrant" means a person for whom the event triggering the obligation to make an initial report under ORS 181.806(3)(a)(A), 181.807(4)(a)(A), 181.808(1)(a)(A), 2(a)(A) or (3)(a)(A) occurred before January 1, 2014.

(5) "Female registrant" means a female who was convicted of a sex crime and required to register as a sex offender or who was found guilty except for insanity of a sex crime and required to register as a sex offender, regardless of her age when she committed the offense.

(6) "Sex crime" has the definition contained in ORS 181.805(5).

(7) "Young male registrant" means a male who was convicted of a sex crime and required to register as a sex offender or who was found guilty except for insanity of a sex crime and required to register as a sex offender, and who was 17 years of age or younger when he committed the offense.

Stat. Auth: ORS 181.800 and 181.803
Stat. Implemented:

255-085-0020
Sex Offender Risk Assessment Methodology
(1) For classification and community notification for adult male registrants, the classifying agency shall use the Static-99R (Exhibit Q-I) and definitions (Exhibit Q-II). Classifying agencies shall score and place into one of the following levels:
(a) Level I: Low (Static-99R score of -3 to 3);
(b) Level II: Moderate (Static-99R score of 4 to 5); or
(c) Level III: High (Static-99R score of 6 or higher).

(2) For classification of female registrants, category B registrants, and young male registrants, the classifying agency shall use the Level of Services/Case Management Inventory (LS/CMI) as supplemented by an independent sexual offense-specific evaluation report. Classifying agencies shall score and place the registrant into one of the following levels:
(a) Level I: Low (Score 0 to 10; LS/CMI as supplemented by an independent sexual offense-specific evaluation);
(b) Level II: Moderate (Score 11 to 19; LS/CMI as supplemented by an independent sexual offense-specific evaluation); or
(c) Level III: High (Score 20 or higher; LS/CMI as supplemented by an independent sexual offense-specific evaluation).

(3) Classifying agencies shall classify a person as a Level III sex offender who is designated as sexually violent dangerous offenders under ORS 137.765.

(4) The Board shall classify the following existing registrants as Level III sex offenders:
(a) A person who was previously designated as a predatory sex offender between February 10, 2005 and December 31, 2013;
(b) A person who is designated as a sexually violent dangerous offender under ORS 137.765;

(5) The Board or the Psychiatric Security Review Board shall classify an existing registrant who refuses or fails to participate in a sex offender risk assessment as directed by the classifying agency as a Level III sex offender on or after December 1, 2018.

Stat. Auth: ORS 181.800 and 181.803
Stat. Implemented: ORS 181.800 and 181.803

255-085-0030
Timelines for Classifying Registrants
(1) When a person convicted of a crime described in ORS 163.355 to 163.427 is sentenced to a term of imprisonment in a Department of Corrections institution for that crime, the Board shall conduct a risk assessment of the person utilizing the risk assessment methodology in OAR 255-085-0020 before the person is released from custody.

(2) Subject to the procedures set forth in this rule, for a person described in ORS 181.801(4) who has not been assessed or classified prior to release, the Board shall conduct a risk assessment of the person utilizing the risk assessment methodology in OAR 255-085-0020 within 60 days of either the person's release from custody or the person's initial obligation to report in the State of Oregon.

(3) For persons who were released from custody or whose initial obligation to register occurred on or after January 1, 2014 but before the adoption of these rules, the Board shall conduct a risk assessment as soon as practicable.

(4) The Board will classify existing registrants by December 1, 2018.

Stat. Auth: ORS 181.801 and 181.802

Stat. Implemented: ORS 181.801 and 181.802

255-085-0040
Procedures for Classifying Adult Male Registrants
(1) The procedures contained in this administrative rule apply to all male offenders who are required to register as sex offenders and who were at least 18 years of age when they committed the offense that created the obligation to register.

(2) The Board will provide to the registrant the Static-99R score and a copy of the completed assessment, the Notice of Rights form (Exhibit SO-1 or SO-2), and the Written Objections form (Exhibit SO-3).

(3) Following the notification in subsection (2), the following timelines apply for a registrant to waive objections:
(a) If the registrant is supervised or in custody of the Department of Corrections and waives the right to submit Written Objections to the Static-99R score, the registrant will forward the Notice of Rights form (Exhibit SO-1) indicating the registrant's waiver to the Board within thirty (30) days of receiving the Notice of Rights.
(b) If the registrant is not supervised or in custody of the Department of Corrections and waives the right to submit Written Objections to the Static-99R score, the registrant will forward the Notice of Rights form (Exhibit SO-2) indicating the registrant's waiver to the Board within 60 days after the mailing date on the Notice of Rights.
(c) The Board will notify the Department of State Police of the results of the risk assessment and final classification within three business days of the date of the final classification.
(d) A registrant's refusal to participate in the notice of rights process shall be considered a waiver of objections to the Static-99R score.

(4) Following the notification in subsection (2), the following timelines apply for a registrant to submit written objections.
(a) If the registrant is supervised or in custody of the Department of Corrections, the registrant must submit his Static-99R assessment, the Notice of Rights form (exhibit SO-1) and any Written Objections (Exhibit SO-3) to the Static-99R score within thirty (30) days after receiving the Notice of Rights.
(b) If the registrant is not supervised or in custody of the Department of Corrections, the registrant must submit any his Static-99R assessment, the Notice of Rights form (Exhibit SO-2) and any Written Objections (Exhibit SO-3) to the Static-99R score to the Board within 60 days after the mailing date on the Notice of Rights.
(c) Objections that are not submitted within these timelines will not be reviewed, and the Board will proceed to final classification.

(5) Upon receipt of any timely submitted Written Objections (Exhibit SO-3), a Hearings Officer will conduct a review of the Static-99R score and supporting documents. The Hearings Officer will verify the accuracy of each point awarded on the Static-99R and prepare a memo that responds to the registrant's written objections. The Hearing Officer's review will detail the finding of the Static-99R and make a determination as to whether the registrant's Static-99R score is accurate or should be changed. Upon completing the review, the Hearings Officer will

submit to the Board a memo detailing the review, as well as any information considered by the Hearing Officer.

(6) The Board will review the Hearings Officer's memo and will order the final classification level based on the Static-99R score and notify the Department of State Police of the results of the risk assessment within three business days of the date of the final classification.

(7) The Board's classification decision shall be final. The Board's classification decision is not subject to review under OAR Chapter 255 Division 80.

Stat. Auth: ORS 181.800, 181.801, 181.802
Stat. Implemented: ORS 181.800, 181.801, 181.802

255-085-0050
Procedures for Classifying Young Male Registrants, Female Registrants, and Category B Registrants
(1) These procedures apply to offenders for whom the Static-99R is not an appropriate assessment methodology as outlined in OAR 255-085-0020.

(2) With the cooperation of the Department of Corrections, the Board will identify young male registrants, female registrants, and Category B registrants sentenced to a term of imprisonment in a Department of Corrections institution for a sex crime.

(3) The Board will notify young male registrants, female registrants, and Category B registrants of the registrant's obligation to participate in the assessment and evaluation processes, the registrant's option to request a review of the assessment and evaluation, as well as the Board's final review of the review and evaluation report.

(4) Subject to the risk assessment methodology set forth in these administrative rules, the Board will classify young male registrants, female registrants, and Category B registrants based on the LS/CMI and findings from an independent sexual offense-specific evaluation performed by a licensed provider who is qualified to conduct sexual offense risk assessments. The independent evaluator will provide the Board with a written report stating the recommended sex offender classification and notification level, and will provide information regarding the registrant's risk for sexual re-offense. The evaluator should weigh the LS/CMI score when recommending a sex offender classification and notification level based on the sexual offense-specific evaluation.

(5) The Board will provide the registrant with a copy of the completed LS/CMI assessment and the independent sexual offense-specific evaluation report, the Notice of Rights form (Exhibit SO-1L or SO-2L), and the Written Objections form (Exhibit SO-3L).

(6) Following the notification in subsection (5), the following timelines apply for a registrant to waive objections:
(a) If the registrant is supervised or in custody of the Department of Corrections and waives the right to submit Written Objections to the LS/CMI score and evaluation report, the registrant will

forward the Notice of Rights form (SO-1L) indicating the registrant's waiver to the Board within thirty (30) days of receiving the notice of rights.
(b) If the registrant is not supervised or in custody of the Department of Corrections and waives the right to submit Written Objections to the LS/CMI score and evaluation report, the registrant will forward the Notice of Rights form (SO-2L) indicating the registrant's waiver to the Board within 60 days after the mailing date on the Notice of Rights.
(c) The Board will notify the Department of State Police of the results of the risk assessment and final classification within three business days after the final classification.
(d) Refusal to participate in the notice of rights process will be considered a waiver of objections to the LS/CMI score and evaluation report.

(7) Following the notification in subsection (5), the following timelines apply for a registrant to submit written objections.
(a) If the registrant is supervised or in custody of the Department of Corrections, the registrant must submit the LS/CMI, evaluation report, Notice of Rights (SO-1L), and any Written Objections (Exhibit SO-3L) to the assessment and evaluation findings to the Board within thirty (30) days after receiving the Notice of Rights.
(b) If the registrant is not supervised or in custody of the Department of Corrections, the registrant must submit any Written Objections (Exhibit SO-4L) to the assessment and evaluation findings within 60 days after the mailing date on the Notice of Rights.
(c) Objections that are not submitted within these timelines will not be reviewed, and the Board will proceed to final classification.

(8) Upon the Board's receipt of the Written Objections (Exhibit SO-3L), a Hearings Officer will complete a review of the LS/CMI score, evaluation, and supporting documents. The review will verify the information, and the Hearings Officer will prepare a memo responding to the written objections, detail the finding of the evaluator, and make a determination as to whether the registrant's LS/CMI score is accurate or should be changed.
(a) If the score places the registrant in Level I or Level II, the Hearings Officer will provide this memo to the Board along with any information considered.
(b) If the score places the registrant in Level III, the Hearings Officer will schedule a hearing with the registrant. The following procedures shall apply:
(A) The Hearings Officer will provide the registrant with the documentation submitted for review 14 days before the hearing.
(B) At the hearing, the registrant may present additional evidence or information regarding the LS/CMI score and evaluator's report.
(C) The Hearings Officer will write a supplement to the memo as provided for in subsection (9) of this rule and will provide the supplement to the Board.
(D) A registrant's refusal to participate in the hearing shall be considered a waiver.

(9) The Board will review the Hearings Officer's memo. The Board will order the classification level based on the LS/CMI score, evaluator's report, and any additional findings and memorandum made by Hearings Officer, and will notify the Department of State Police of the registrant's final classification within three business days of the date the Board makes its final classification.

(10) The Board's classification decision shall be final. The Board's classification decision is not subject to review under OAR Chapter 255 Division 80.

Stat. Auth: ORS 181.800, 181.801, 181.802
Stat. Implemented: ORS 181.800, 181.801, 181.802